

documents were considered by making appropriate notations on the Form PTO 1449, which was attached to the IDS.

Applicants respectfully traverse the Section 102(e) rejection of claims 1-8 for at least the reason that Nishimura fails to disclose every claim element. For example, independent claim 1 recites a combination of elements including, *inter alia*, an eject mechanism having an eject member, the eject member being adapted to move in a card insertion direction as a card is inserted into the connector during a card insertion operation and to move in a card eject direction in response to a card eject operation to eject the card, and an elastic locking piece having a locking portion to engage in a recess of the card and a stationary portion fixed in the eject member. Nishimura fails to disclose at least the elastic locking piece having a stationary portion fixed in the eject member.

As the Examiner has properly recognized, Nishimura discloses an eject member 9 that slides in both insertion and ejection directions and a lock arm 15 that engages a recess in a card. The lock arm 15 of Nishimura, however, does not include a stationary portion fixed to the eject member. Instead, the lock arm 15 of Nishimura extends from a fixed end 19 that is secured to the bottom plate 27 of the *card case* 6. (Figs. 10, 14, and 16; col. 9, lines 1-6).

In contrast to the device of Nishimura, claim 1 includes an elastic locking piece that is "fixed in the ejector member." Therefore, when the eject member of the invention as claimed moves in a card insertion direction, the elastic locking piece also moves in the card insertion direction. Similarly, when the eject member of the invention as claimed moves in a card ejection direction, the elastic locking piece also moves in the

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

card ejection direction. (page 18, line 25 to page 20, line 11). The motion of the eject member in combination with the elastic locking piece is apparent through a comparison of Figs. 9 and 11 of the present application showing insertion and ejection configurations, respectively.

Unlike the elastic locking piece recited in claim 1, the lock arm 15 of Nishimura device does not move with the eject member. Specifically, the lock arm 15 of Nishimura is secured to the card case 6 rather than to the eject member 9, and therefore, the lock arm 15 cannot move with the eject member 9. This fact demonstrates that the lock arm of Nishimura does not include a "portion fixed in the eject member," as recited by independent claim 1.

Because Nishimura fails to disclose every claim element of independent claim 1, upon which claims 2-8 ultimately depend, the Section 102(e) rejection of claims 1-8 is improper and should be withdrawn. Applicants further submit that claim 1 is in condition for allowance. Dependent claims 2-8 are also in condition for allowance by virtue of their dependence from claim 1 and further in view of their additional recitations of novelty.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of the application and the timely allowance of the pending claims.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

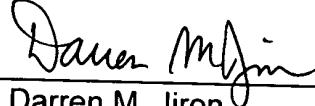
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 7, 2002

By:

  
\_\_\_\_\_  
Darren M. Jiron  
Reg. No. 45,777

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)